

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

CASE CLOSURES UNDER  
ENFORCEMENT PRIORITY SYSTEM

2003 JAN 27 A 10:09  
**SENSITIVE**

GENERAL COUNSEL'S REPORT

**I. INTRODUCTION**

The cases listed below have been evaluated under the Enforcement Priority System ("EPS") and identified as either low priority or potential ADR transfers. This report recommends that the Commission no longer pursue the cases cited in section II

**II. CASES RECOMMENDED FOR CLOSURE**

**Cases Not Warranting Further Action Relative to Other Cases  
Pending Before the Commission**

EPS was created to identify pending cases that, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditures of resources. Central Enforcement Docket ("CED") evaluates each incoming matter using Commission-approved criteria that result in a numerical rating for each case.

We have identified cases which this Office recommends be

closed.<sup>2</sup>

**IV. RECOMMENDATIONS**

OGC recommends that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the date the Commission votes on the

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<sup>2</sup> The cases recommended for closure are: MUR 5255 (*Roy Brown for Congress*); MUR 5256R (*Allied Pilots Association PAC*); MUR 5271 (*A Whole Lot of People for Grijalva Congressional Committee*); MUR 5280 (*Bundguard for Congress*); MUR 5284 (*Moran for Congress*); MUR 5289 (*Friends of the Rouge & Friends of the Detroit River*); and MUR 5301 (*Charlotte Reeves for US Congress*).

recommendations. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:

- |             |              |             |
|-------------|--------------|-------------|
| 1. MUR 5255 | 2. MUR 5256R | 3. MUR 5271 |
| 4. MUR 5280 | 5. MUR 5284  | 6. MUR 5289 |
| 7. MUR 5301 |              |             |

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1/24/23  
Date

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5 MUR 5280  
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7 Complainant: John Hughes  
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Respondents: Bundgaard for Congress  
Jennifer Lynn Seivert, Treasurer  
www.bundgaard.com  
State of Arizona  
Scott Bundgaard for State Senate  
Treasurer of Scott Bundgaard for State Senate

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10 **Allegations:** Complainant, John Hughes, alleged that State Senator Scott Bundgaard  
11 illegally used state funds to promote his federal campaign. Specifically, Mr. Bundgaard  
12 used state funds to pay for a mailer advocating his congressional campaign and a  
13 hyperlink connecting his official Arizona state legislative website to his congressional  
14 website.  
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16 **Responses:** Bundgaard for Congress, Ms. Seivert, as treasurer, Scott Bundgaard for State  
17 Senate, and www.bundgaard.com responded that the mailer referred to by the  
18 complainant was a "thank you" mailer and all costs associated with its creation and  
19 distribution were paid for by the state senate committee. Further, the state senate  
20 committee did not transfer funds or assets to the federal committee. In discussing the  
21 hyperlink allegation, the respondents noted that the link to the website did not cause a  
22 prohibited transfer. Specifically, the respondents quoted from AO 1999-17 where the  
23 Commission advised that "simple hyperlinks to candidate campaign web sites provided  
24 on a nonpartisan, no charge basis are not reportable as expenditures by the committee or  
25 contributions from the providers." Thus, the respondents concluded that "[b]ecause the  
26 hyperlink has no monetary value and is provided to member [state] legislators without  
27 charge on an equal and nonpartisan basis as an untargeted public service," there was no  
28 undisclosed contribution to the federal campaign. Finally, the respondents noted that the  
29 website was maintained by Senator Bundgaard's federal committee, and the hyperlink  
30 was voluntarily removed pending the disposition of this MUR.  
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32 According to the Assistant Attorney General of Arizona, every Arizona State Legislator is  
33 provided a page on the Arizona Legislature's website. Initially, Senator Bundgaard had a  
34 link to his personal homepage, but changed it to his congressional campaign page without  
35 the knowledge of the state administrators. Arizona policy prohibits any use of state  
36 resources for campaign purposes. The Assistant Attorney General noted that the Arizona  
37 State Senate did not intend to contribute anything of value to Bundgaard's federal  
38 campaign. In fact, the link was deactivated and removed as soon as it was discovered.  
39 The Assistant Attorney General also cited to AO 1999-17 and stated that the temporary  
40 link was not a contribution.

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This matter is less significant relative to other matters pending before the Commission.

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